

SB 339 - SENATOR TERRY MURPHY

- The bill would not allow for annexation across a county line by a municipality unless consent is granted by the county commission of the county where the annexation will occur. This bill does not stop annexation, it merely gives counties a say in the process which current statutes do not allow.
- A straw vote of counties conducted by MACO showed overwhelming support for SB 339.
- People have bought property and moved to northern Jefferson County over the last 10 plus years with one expectation in mind, that of a rural living atmosphere rather than an urban atmosphere.
- Currently a situation exists in northern Jefferson County where a developer has requested annexation to the City of Helena. The county has had citizen initiated zoning in place since 1997 which allows for one dwelling per two acres. The County allowed a variance to place one four-plex on each lot. If the annexation does occur, the city zoning takes precedence thereby allowing the developer to have nine dwelling units on the same acreage. This in effect does away with the will of the citizens in how their community is to be shaped.
- A single landowner can change zoning within a county by simply requesting annexation into the city to establish greater densities than current zoning allows. Opponent testimony stated that landowner have no recourse to develop property to full potential. There is a process through the board of adjustment which allow for variances and conditional use permits which may allow for greater developmental rights.
- The current situation is a result of the developer lifting the sanitary restrictions with DEQ. DEQ stated that the two lots are within 500 feet of central sewer and water. However even as of today, the central sewer is not operable within 500' of the two lots since there is a need to install a lift station. The 500 feet A.R.M. ruling by DEQ may cause additional annexation as septic replacements are needed in the area. As one proponent stated in his testimony, there is no compelling reason that the city could not provide central sewer and water service through a contractual agreement. The only reason the city will not contract with a developer is that there is an ordinance which requires annexation to occur prior to connection to central sewer and water. By amending or granting a variance to this ordinance, the developer would not need to annex, but the city is unwilling to do this.
- Many of the opponents agreed that this is not just a local issue. There are several other jurisdictions which are having or may possibly have similar situations in the near future. Missoula is currently looking to annex a subdivision in Granite County. There is a possibility of incorporation of Big Sky with the probability of annexation of Moonlight Basin in Madison County. The City of Great Falls annexed a business park 6.5 miles from the existing city limits.
- The Montana City School is nearing capacity. Under the current zoning, it is estimated that the capacity may not be reached until 2011. If the city zoning takes precedence to the county zoning,

that capacity could be reached much sooner. The school district does not have the bonding capacity to build a new school. Under current zoning regulations of the county, the school districts growth has quadrupled in the last 10 years. With city zoning in place the growth in school size will be much greater.

- Revenue losses to the county would include road funding and fire funds.
- An industrial mining operation is near where annexation may be an issue. The industrial operation's manager has told the county that if there is too much pressure from increased density of residential and commercial business, they may move their operation elsewhere. With the operation being the fourth largest taxpayer in the county, citizens throughout the county will be affected by increased taxes.
- Jefferson County has contracted with Great West Engineering to perform preliminary design for a central sewer system and the feasibility of forming a sewer district encompassing approximately 450 residences currently served by individual septic systems. With rural type lots ranging in size of between 2 - 10 acres, pollution is at less risk than with urban high density lots such as those in a city not connected to a central system.
- A petition against annexation was signed by 348 Jefferson County residents and 6 Helena area residents.
- There is a major difference in governing between most cities and most counties. The cities' form of government comes from the top down while the counties form of government comes from the bottom up or from the grass roots. This is especially true concerning the City of Helena and Jefferson County. In Jefferson County, the citizens have a strong voice in every facet of county business while in Helena, decisions are made by big brother with very little input from the citizens. Testimony by former Lewis and Clark County Commissioner, Anita Varone, indicated that the attitude of government from the City of Helena and Lewis and Clark County was to ram laws down the citizens throats which is evident by the recent zoning regulations and SB 361 which was heard Tuesday.
- In opposition testimony given by the Helena City Manager, it was stated that the city has never or very rarely forced annexation on individuals. It should be noted that in at least two cases and probably several others this is known not to be true. A group of people behind the Kessler School were forced to annex with 100% of them protesting the annexation. Even Judy Paynter, one of the Governor's employees, was forced to annex in another instance.